Appendix I.

[Vide answer to starred question No. 67 asked by Sri K. N. Palaniswami Gounder at the meeting of the Legislative Council held on 12th August 1954, page 248 supra]

Statement showing the number of posts of Assistant Superintendents of Police and Deputy Superintendents of Police filled up during the period 1948–53.

Year.	*Assistant Superintendents of Police.*	*Deputy Superintendents of Police.*		
		By direct recruitment.	*By promotion.*	
			Category 1.	*Category* 2.
(1)	(2)	(3)	(4)	(5)
1948	6	5	40	..
1949	6	4	15	2
1950	4	15	..	1
4951	2	Nil	10	1
1952	2	Nil	..	1
1953	4	2	..	..

Appendix II.

[Vide answer to clauses (*e*) and (*f*) of starred question No. 74 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 12th August 1954, pages 257-258 supra.]

Enclosure I.

Memorandum No. 8266-E/54-4, Revenue, dated 10th March 1954.

[Season—Madras State—Fasli 1363—Remission of land revenue and stay of coercive processes for the collection of loan instalments—Orders. *Reference.*—From the Board of Revenue, M. No. 1026/54-1, dated 11th February 1954, and No. M. 1026/54, dated 3rd March 1954.]

The Government have examined carefully the views expressed by the Board of Revenue in its references quoted above in regard to the grant of remission of land revenue and stay of coercive steps for the collection of loan instalments in the areas where seasonal conditions are bad or where paddy pests prevail or where other distress conditions exist. They pass the following orders :—

(1) The Government consider that the provisions of B.S.O. No. 13 (5) should be extended to areas where crops had been affected by pests and that remission of assessment should be granted in cases where the outturn is less than two annas and that for this purpose, the provisions of the B.S.O. No. 13 (5) should be interpreted liberally.

12th August 1954]

(2) The Government understand that in this year the ryots are being asked to pay not only the current assessment but also the arrears of three or four previous years. They consider that this is too heavy a burden for the ryots to bear. They accordingly direct that the collection should be limited to the assessment for the current year plus the arrears of one year. The arrears so collected should be credited towards the amount due for the oldest year, to save limitation.

(3) The Government accept the recommendation of the Board of Revenue that coercive steps should not be taken for the collection of loan instalments in the areas mentioned below—

Tirunelveli.—Sankarankoil taluk excluding Vasudevanallur firka; Koilpatti taluk—Entire taluk; Tirunelveli taluk—Madavankurichi and Gangaikondan firkas; Nanguneri taluk—Rathapuram sub-taluk only.

Ramanathapuram.—Srivilliputtur taluk.

South Arcot.—Gingee taluk; Tindivanam taluk.

Tanjore.—Tanjore taluk—Sengipatti, Vallam, Ulur and Moorthiambalpuram firkas. Tiruturaipundi taluk—Nachikulam and Thalainayar firkas.

The Board is requested to issue instructions to the Collectors concerned accordingly.

ENCLOSURE II.

Memorandum No. 8266-E/54-5, Revenue, dated 29th March, 1954.

[Season—Madras State—Fasli 1363—Collection of loan instalments—Stay of coercive steps—Instructions. *Reference.*—Government Memorandum No. 8266-E/54-5, Revenue, dated 10th March 1954.]

In continuation of the orders in their memorandum quoted above, the Government direct that coercive steps should not be taken for the collection of loan instalments in the Kancheepuram and Chingleput taluks of the Chingleput district and in the Wandiwash taluk of the North Arcot district. In the remaining taluks of these two districts and in the Madurai district, the subordinates should be instructed to use their discretion before taking coercive action for the collection of loan instalments due from the ryots.

2. The Government agree that coercive steps for the collection of loan instalments need not be put off either in the Palladam taluk or in any other taluk of the Coimbatore district.

[12th August 1954

APPENDIX III.

[*Vide* answer to starred question No. 75 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 12th August 1954, page 258–259 supra.]

Statement showing the Society for the Prevention of Cruelty to Animals branches in the State and the number of members of each branch.

District.	Branches.	Number of members.
(1)	(2)	(3)
1 Arcot (North)	Vellore	205
2 Arcot (South)	Cuddalore	25
3 Chingleput	Kancheepuram ..	21
4 Coimbatore	Coimbatore	132
5 Kanara (South)	Mangalore	69
6 Madras City	Vepery, Madras ..	174
7 Madurai	Madurai	101
	Dindigul	65
	Kodaikanal	21
	Periyakulam	5
8 Malabar	Cannanore	43
	Tellicherry	70
	Kozhikode	69
	Palghat	19
9 Nilgiris	Ootacamund	16
	Coonoor	60
	Kotagiri	58
10 Ramanathapuram	Madurai	206
	Karaikudi	13
11 Salem	Salem	40
	Namakkal	20
12 Tiruchirappalli	Tiruchirappalli ..	18
13 Tirunelveli	Tirunelveli	49
14 Tanjore	Tanjore	94
	Ayyampet	3
	Kumbakonam and Tiruvidamaruthur.	11
	Mannargudi	6
	Mayuram	150
	Nagapattinam ..	34
	Papanasam-*cum*-Ayyampet.	75
	Nannilam	15
	Pattukkottai	25
	Sirkali	35
	Tiruturaipundi ..	27
	Tiruvaiyaru and Tirukattupalli.	8
	Tiruvarur	31

12th August 1954]

APPENDIX IV.

[Vide item IV (2) on page 286 supra.]

L.A. BILL No. 27 OF 1954.

(As passed by the Assembly.)

A Bill to amend the Madras Hindu Religious and Charitable Endowments Act, 1951.

WHEREAS it is expedient to amend the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), for the purposes hereinafter appearing :

BE it enacted in the Fifth Year of Our Republic as follows :—

1. *Short title.*—This Act may be called the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954.

2. *Amendments of sections* 10 *and* 11, *Madras Act XIX of* 1951.—In section 10, sub-section (2), and section 11, sub-section (3), of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) (hereinafter referred to as the principal Act), the figure " 56 " shall be omitted.

3. *Substitution of new section for section* 21 *in Madras Act XIX of* 1951.—For section 21 of the principal Act, the following section shall be substituted, namely :—

" 21. *Power to enter religious institutions.*—(1) The Commissioner, Deputy Commissioner, Assistant Commissioner or such officers or servants of a religious institution as may be authorized by the Commissioner, Deputy Commissioner or Assistant Commissioner in this behalf, shall have power to enter the premises of any religious institution or any place of worship for the purpose of exercising any power conferred, or discharging any duty imposed, by or under this Act.

(2) If any such officer or servant is resisted in the exercise of such power or discharge of such duty, the Magistrate having jurisdiction shall, on a written requisition from such officer or servant, direct any police officer not below the rank of Sub-Inspector to render such help as may be necessary to enable the officer or servant to exercise such power or discharge such duty.

(3) In entering the premises of a religious institution or place of worship, the person authorized by or under sub-section (1) or the police officer referred to in sub-section (2) shall, if practicable, give notice to the trustee and shall have due regard to the practices and usages of the institution."

[12th August 1954

4. *Insertion of new section 21-A in Madras Act XIX of* 1951.—After section 21 of the principal Act, the following shall be inserted as section 21-A, namely :—.

" 21-A. *Commissioner, etc., to observe appropriate forms and ceremonies.*—The Commissioner, Deputy Commissioner, Assistant Commissioner, every member of an Area Committee and every other person exercising powers of superintendence or control under this Act, shall, so far as may be, observe forms and ceremonies appropriate to the religious institution in respect of which such powers are exercised and, in the case of a math, act in conformity with the usages of the math in his dealings with the head of the math."

5. *Amendment of section* 30, *Madras Act XIX of* 1951.—In section 30, sub-section (2), of the principal Act, for the words " the trustee shall be guided by ", the words " the trustee shall have due regard to " shall be substituted.

6. *Substitution of new section for section* 31, *Madras Act XIX of* 1951.—For section 31 of the principal Act, the following section shall be substituted, namely :—

" 31. *Cypres application of surplus funds of endowments.*—(1) The Commissioner may, after holding an inquiry in such manner as may be prescribed, by order, declare that, after satisfying adequately the purposes of the religious institution and after setting apart a sufficient sum for the repair and renovation of the buildings connected with the math or temple or the endowments attached thereto, there is a surplus which is not required for any such purpose, and may, by such order, direct that such surplus as is declared to be available, be appropriated to religious, educational or charitable purposes :

Provided that, in the case of a temple founded and maintained by a section of the Hindu community, the surplus shall, as far as possible, be utilized for the benefit of the said section for the purposes mentioned above.

(2) It shall be competent to the Commissioner when giving a direction under sub-section (1) to determine what portion of such surplus shall be retained as a reserve fund for the math or temple and to direct the remainder to be appropriated to the purposes specified in that sub-section.

(3) The Commissioner may, at any time, by order and in the manner provided in sub-section (1), modify or cancel an order passed under that sub-section.

(4) The order of the Commissioner under this section shall be published in the prescribed manner. The trustee or any other person having interest may, within six months of the date of such publication, institute a suit in the Court to modify or set aside such order.

12th August 1954]

Subject to the result of such suit, and of the appeal, if any, under section 31-B, the order of the Commissioner shall be final and binding on the trustee and all persons having interest.

(5) Any decision of the court under this section may, at any time, for sufficient cause, be modified or cancelled by the court in a suit instituted by the Commissioner or the trustee or any person having interest but not otherwise."

7. *Insertion of new sections* 31-*A and* 31-*B in Madras Act XIX of* 1951.—After section 31 of the principal Act, the following sections shall be inserted, namely :—

"31-A. *Validation of past appropriation of surplus funds.*—(1) Where, before the commencement of the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954, an appropriation of funds belonging to a religious institution to any of the purposes specified in section 59, sub-section (1), has been made in exercise of the powers purported to be conferred by section 31, such appropriation shall be deemed to be an appropriation made under section 31 as amended by the said Amendment Act.

(2) Any person having interest may, within six months from the commencement of the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954, institute a suit in the court to modify or set aside the appropriation referred to in sub-section (1) and for such further or other relief in relation to funds appropriated.

31-B. *Appeals.*—Any person aggrieved by a decision of the Court under section 31 or section 31-A may, within ninety days from the date of the decision, appeal to the High Court."

8. *Amendment of section* 34, *Madras Act XIX of* 1951.—In section 34, sub-section (8) of the principal Act, for the words "who is dedicated to a temple", the words "who is dedicated for service in a temple" shall be substituted.

9. *Amendment of section* 39, *Madras Act XIX of* 1951.—In section 39 of the principal Act—

(*a*) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) Where, in the case of any such institution, having a hereditary trustee or trustees, the Commissioner, after notice to such trustee or trustees and after such inquiry as he deems adequate, considers, for reasons to be recorded, that the affairs of the institution are not, and are not likely to be properly managed by the hereditary trustee or trustees, the Commissioner may, by order, appoint such number of non-hereditary trustees as he thinks necessary, so however that the total number of trustees does not exceed five.";

(*b*) in sub-section (3), for the words, brackets and figures "Every trustee appointed under sub-section (1) or

[12th August 1954

sub-section (2) ", the words, brackets and figures " Every trustee appointed under sub-section (1) and, subject to the result of an application, if any, filed under sub-section (4), every non-hereditary trustee appointed under sub-section (2) " shall be substituted;

(*c*) after sub-section (3), the following sub-sections shall be added, namely :—

" (4) Where the Commissioner, by order, appoints a non-hereditary trustee or trustees, the hereditary trustee or trustees may, within thirty days of the receipt of the order, file an application to the Court to set aside or modify such order.

(5) Where a vacancy arises in the office of a non-hereditary trustee appointed under sub-section (2), the Commissioner shall not fill up such vacancy unless, for reasons to be recorded, he considers it necessary to do so. A non-hereditary trustee appointed in the vacancy shall be deemed to have been appointed under sub-section (2), and the provisions of sub-sections (3) and (4) shall apply accordingly."

10. *Amendment of section* 52, *Madras Act XIX of* 1951.—In section 52, sub-section (1), of the principal Act, clause (*f*) shall be re-lettered as clause (*i*), and before the clause as so re-lettered, the following clauses shall be inserted, namely :—

" (*f*) waste of the funds or properties of the institution or the application of such funds or properties for purposes unconnected with the institution :

(*g*) the adoption of devices to convert the income of the institution or of the funds or properties thereof into ' pathakanika ';

(*h*) leading an immoral life or otherwise leading a life which is likely to bring the office of head of the math into contempt."

11. *Substitution of new section for section* 55, *Madras Act XIX of* 1951.—For section 55 of the principal Act, the following section shall be substituted, namely :—

" 55. *Power to spend ' Pathakanika '*.—The trustee of a math shall keep regular accounts of receipts of ' pathakanika ', that is to say, any gift of property made to him as the head of the math and shall be entitled to spend the said ' pathakanika ' in accordance with the customs and usages of the institution."

12. *Repeal of section* 56, *Madras Act XIX of* 1951.—Section 56 of the principal Act shall be omitted.

12th August 1954]

13. *Substitution of new section for section* 67 *in Madras Act XIX of* 1951.—For section 67 of the principal Act, the following section shall be substituted, namely :—

" 67. *Term of office and duties of executive officer.*—(1) The executive officer shall hold office for such period as may be fixed by the Commissioner and he shall exercise such powers and perform such duties as may be assigned to him by the Commissioner :

Provided that only such powers and duties as appertain to the administration of the endowments of the religious institution shall be assigned to the executive officer.

(2) The Commissioner shall define the powers and duties which may be exercised and performed respectively by the executive officer and the trustee, if any, of the religious institution.

(3) The executive officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

(4) The Commissioner may, for good and sufficient cause, suspend, remove or dismiss the executive officer."

14. *Substitution of new sections for sections* 68 *and* 69 *in Madras Act XIX of* 1951.—For sections 68 and 69 of the principal Act, the following sections shall be substituted, namely :—

" 68. *Section 58 not to apply to notified institutions.*—(1) Section 58 shall not apply to, and no Area Committee shall have jurisdiction over any religious institution notified under this Chapter or under Chapter VI-A of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), so long as the notification remains in force.

(2) Nothing in sub-section (1) shall be construed as prohibiting the framing of a scheme under section 58 during the period when a notification is in force, to take effect immediately on the notification ceasing to be in force.

69. *Saving.*—Nothing in this Chapter shall apply to maths or other religious institutions having hereditary trustees who have a beneficial interest in the income of the institution."

15. *Amendment of section* 76, *Madras Act XIX of* 1951.—In section 76 of the principal Act—

(1) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :—

" (1) In respect of the services rendered by the Government and their officers and for defraying the expenses incurred on account of such services every religious institution shall, from the income derived by it, pay to the Commissioner annually such contributions not exceeding five per centum of its income as may be prescribed.

[12th August 1954

(2) Every religious institution, the annual income of which, for the fasli year immediately preceding as calculated for the purposes of the levy of contribution under sub-section (1), is not less than one thousand rupees, shall pay to the Commissioner annually, for meeting the cost of auditing its accounts, such further sum not exceeding one and a half per centum of its income as the Commissioner may determine.";

(2) after sub-section (4), the following sub-section shall be inserted, namely :—

" (5) Whenever there is any surplus after meeting all the charges referred to in the foregoing sub-section, it shall be lawful for the Commissioner, acting *suo motu* or on an application to make grants to poor and needy religious institutions for carrying out repairs and renovation subject to such rules as may be framed by Government in this regard.";

(3) at the end of the section the following Explanation shall be added, namely :—

" *Explanation.*—Any religious institution, the annual income of which is less than two hundred rupees, shall not be liable to pay any contribution to the Commissioner as required by sub-section (1)."

16. *Insertion of Chapter IX in Madras Act XIX of* 1951.—After Chapter VIII of the principal Act, the following Chapter shall be inserted, namely :—

" CHAPTER IX.

ENDOWMENTS ADMINISTRATION FUND.

80. *Commissioner to be corporation sole.*—The Commissioner shall be a corporation sole and shall have perpetual succession and a common seal and may sue and be sued in his corporate name.

81. *Religious and Charitable Endowments Administration Fund.*—(1) There shall be established a Fund to be called the Madras Hindu Religious and Charitable Endowments Administration Fund. The Fund shall vest in the Commissioner.

(2) The contributions payable under section 76 (1) and the further sums payable under section 76 (2) shall, when realized, be credited to the said Fund. It shall be lawful for the Commissioner to accept to the credit of the said Fund grants or loans from the Government and grants from any private person. The Commissioner shall, out of the said Fund, repay to the Government sums paid by the Government under section 76 (4) and loans received from the Government.

82. *Validation of contributions levied.*—(1) Contributions under section 76 (1) and further sums under section 76 (2) shall be payable with effect from the commencement of this Act. For the period from the commencement of this Act

12th August 1954]

until the commencement of the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954, the rate prescribed by the Government under section 76 (1), or determined by the Commissioner under section 76 (2), shall be deemed to be the rate prescribed or determined under section 76 (1) or section 76 (2), as the case may me, as amended by the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954, and contributions and further sums paid to the Government shall be deemed to be contributions and further sums, as the case may be, paid to the Commissioner under section 76 (1) and section 76 (2) as amended by the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954.

(2) The Government shall pay to the Commissioner the balance, if any, remaining out of the aggregate of the contributions and further sums paid or realized before the commencement of the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954, in pursuance of section 76 (1) and section 76 (2), after deducting therefrom sums paid by the Government under section 76 (4)."

17. *Amendment of section* 87, *Madras Act XIX of* 1951.—In section 87 of the principal Act—

(*a*) the words and figures " as manager under section 56 or " occurring at the commencement of clause (*c*) shall be omitted; and

(*b*) for the words " any Magistrate of the first class ", the words " any Presidency Magistrate or any Magistrate of the first class " shall be substituted.

18. *Amendment of section* 89, *Madras Act XIX of* 1951.—In section 89, sub-section (4), of the principal Act, the following shall be added at the end, namely :—

" The Commissioner shall pay to the Government any sum so accepted."

19. *Amendment of section* 103, *Madras Act XIX of* 1951.—In section 103, clause (i), of the principal Act, for the words " payable to the Government ", the words " payable to the Commissioner " shall be substituted.

[12th August 1954

20. *Amendment of Schedule I, Madras Act XIX of* 1951.—In Schedule I to the principal Act—

(1) under the heading " I. Suits ", before the entry relating to section 52, the following shall be inserted, namely :—

" 31. (4) Suits against order of the Commissioner	50
31. (5) Suits to set aside or modify Court's order	50
31-A. (2) Suits to modify or set aside direction of trustee	50";

(2) under the heading " II Applications to Court " before the entry relating to section 62 (3) (a), the following shall be inserted, namely :—

" 39. (4) Application to Court against order of the Commissioner	10 ";

(3) under the heading " III. Appeals to Court " in column (1), before the figures, brackets and letter " 62 (2), 62 (3) (*b*) ", the figures and letter " 31-B " shall be inserted;

(4) under the heading " V. Appeals to Government, Commissioner, Deputy Commissioner or Trustee ", the figures and brackets " 31 (2) " in column (1) and the entries relating thereto shall be omitted.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS